

Appl. No.: 10/711,928
Amdt. Dated: 8/4/2005
Reply to Office action of: 06/29/2005

AMENDMENTSTOTHEDRAWINGS:

There are not amendments to the drawings being submitted herewith.

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REMARKS/ARGUMENTS

Claims 2, 4, and 5 remain in this application. Claims 1 and 3 have been canceled and replaced with new claims 4 and 5 to claim Applicant's invention in proper US patent claim format and to correct minor editorial errors. Claim 2 has been amended to correct minor typographical and claim formatting errors. Support for these amendments may be found, for example, in the specification and Figure 1.

No new matter has been introduced by these amendments.

Claims 1 – 3 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

Claim 1, line 3, "battery" is indefinite because it cites combination/subcombination problem. "Battery" is not positively cited in the preamble of claim 1.

Claim 2, line 5 and claim 3, line 3, "electronic module" is indefinite because it cites combination/subcombination problem. "The electronic module" is not positively cited in the preamble of claim 1.

Claim 3 recites the limitation "circuit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "terminal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Applicant respectfully traverses this rejection. By this amendment claims 1 and 3 have been canceled and replaced by new claims 4 and 5 both of which clearly recite both the "battery" and the "electronic module" in the preamble of each new claim. Claim 3 has been amended to eliminate the limitation "circuit" from line 3. Claim 2 now is dependent on an independent claim 4 which correctly provides support in the claim preamble.

Clearly the claims presently presented herewith overcome these rejections under 35 U.S.C. 112, second paragraph and the removal of said rejections is earnestly solicited.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,497,395 to Croker. Specifically, the Examiner states:

Croker teaches a support (1) comprising a U-shaped profile (2) having latter (10) therein and side branches (8) with pins (28). The intermediate branch (22) of the latter

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has projections (24 and 26) shaping of fork. The projections further include locking claws (4' and 6') which lock behind the bridges (55) provided in the recesses of the module (40).

Applicant respectfully traverses this rejection. The key to Applicants' invention is a support that allows for the attachment of an electronic module to an automobile battery which may be attached in any orientation because the support has a pair of branches with spring-like action by way of elastic deformation. In addition, the support of the present invention provides a fixing means for the electronic module that also may be used in any orientation while providing secure mounting by means of pins at the end of a pair of branches. Particularly not needed because no electrical current passes through the support there is no requirement for heat dissipation or critical sizing based on electrical current needs. Also not required is that the support be mounted in a vertical orientation because gravity is not required to maintain the support to the battery.

A fair reading of Croker 6,497,395 discloses a mounting bracket (1) (support) for mounting in an electrical service box of the type mounted vertically in the walls of buildings to allow the mounting of a fixture element such as, for example, a plastic mount (40) for mounting electrical cables in said electrical service box. The support mounts to the electrical service box by means of lugs (28) (pins) which fit in corresponding slots in said electrical service box and are held in place by gravity holding the support from sliding out of said slots. Likewise the flanges (4 and 6) having lugs (4' and 6') (pins) of the support require that the mount must be in a vertical position to keep it fixed in the mounted position on said flanges.

Clearly, when viewed in this light the Croker 6,497,395 reference does not disclose, teach, or suggest the support utilizing the pins and spring action to lock said support to an automotive battery of Applicants' present invention.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Croker in view of US Patent # 5,439,396 to Magdaleno. Specifically, the Examiner states:

Croker teaches the module but fails to teach the module includes a clamp of the circuit corresponding to the module to the terminal. Magdaleno teaches the clamp (42) of the circuit (20) corresponding to the terminal (25). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have included clamp of circuit and terminal to Croker's module as taught by

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Magdaleno to provide communication for cable to the terminal.

Applicant respectfully traverses this rejection. The key to Applicants' invention is, as stated above, a support that allows for the attachment of an electronic module to an automobile battery which may be attached in any orientation because the support has a pair of branches with spring-like action by way of elastic deformation. In addition, the support of the present invention provides a fixing means for the electronic module that also may be used in any orientation while providing secure mounting by means of pins at the end of a pair of branches. Particularly not needed because no electrical current passes through the support there is no requirement for heat dissipation or critical sizing based on electrical current needs. Also not required is that the support be mounted in a vertical orientation because gravity is not required to maintain the support to the battery.

A fair reading of Magdaleno 5,439,396 reference discloses a plastic electrical circuit breaker (20) of the type utilized in building electrical service boxes. This circuit breaker (20) includes a plastic housing (21), an upper or line terminal 25 for receiving current via a bus (30) and a "load" terminal (26) for transmitting electric current passing through the breaker to an electric load. There is also taught the use of a screw tightened cable connection assembly (120) for connecting the load cable (102) to the circuit breaker (20). Magdaleno does not teach a support for mounting an electronic module to anything. Instead it teaches a circuit breaker assembly such that said complete circuit breaker may be connected to an electrical service box and a load by means of snap clips and screw clamp respectively. Further, this reference does not disclose, teach, or suggest how to provide for the mounting of a support to an object or how to mount an electronic module to the support. Instead it discloses a specific type of circuit breaker plastic housing (21) which provided for the easy installation and removal of a circuit breaker from a circuit breaker panel.

Clearly, when viewed in this light the Magdaleno 5,439,396 reference does not disclose, teach, or suggest the support utilizing the pins and spring action to lock said support to an automotive battery of Applicants' present invention.

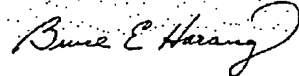
Clearly, when viewed in this light neither the Croker 6,497,395 reference, nor the Magdaleno 5,439,396 reference, or any combination thereof disclose, teach, or suggest the pins and spring action to lock said support to an automotive battery of Applicants' present invention.

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Applicants acknowledge the prior art made of record as pertinent, but not relied upon as a basis of rejection by the Examiner. Applicants make no further comment regarding this prior art.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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